

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
RALEIGH DIVISION**

**IN RE:  
EVOHEALTH, LLC,  
  
DEBTOR**

**CASE NO. 23-00396-5-JNC  
CHAPTER 11**

**MOTION TO DISMISS**

NOW COMES (“Debtor”), by and through its undersigned counsel, and respectfully moves this court to enter an order dismissing this case. In support of this Motion, Debtor shows unto this Court the following:

1. The debtor filed a petition for relief under chapter 11 of the Bankruptcy Code on February 13, 2023.
2. This court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 1334, 11 U.S.C. 363(c)(2) and Fed. R. Bankr. P. 4001(b).
3. This case was filed with the intent to reorganize, in part by rejecting roughly twenty-five medical provider service contracts that involved the licensing of software owned and developed by Life Voxel and to assume roughly three hundred medical provider service contracts that involved the licensing of other software.
4. Since the filing of the case, the Debtor’s dispute with creditor Voxcell Cloud, LLC dba LifeVoxel (“LifeVoxel”) has metastasized beyond what the Debtor believes to have been the four corners of the pending pre-petition litigation and has, due to prospective litigation costs in this court, effectively rendered the Debtor’s prospects of reorganization dead-on-arrival.
5. The Debtor no longer believes that a rehabilitation of its business will be possible, even with the assistance of this chapter 11 case.
6. While the Debtor intends to dissolve under North Carolina state law following, it does not believe that a conversion to chapter 7 is appropriate because it has acted in good faith throughout the case and is not seeking to dismiss the case for any wrongful purpose. The Debtor has remained current on all post-petition tax obligations.
7. Furthermore, because the Debtor is a service-based business with few tangible assets, there would be no benefit to the unsecured creditors by liquidating assets in a chapter 7 case.
8. Lastly, because the Debtor’s business involves the handling and storage of sensitive patient health information, it is unlikely that a chapter 7 trustee would welcome the additional responsibility and risk of managing and preserving these records himself.

WHEREFORE, Debtor prays that the present case be dismissed and that it have such other and further relief as the court may deem just and appropriate.

Dated: March 13, 2023

/s/ Philip Sasser  
Philip Sasser  
Attorney for Debtor  
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**IN RE:  
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**NOTICE OF MOTION TO DISMISS**

NOTICE IS HEREBY GIVEN that a Motion to Dismiss has been filed by the Debtor. A copy of the Motion accompanies this notice

TAKE NOTICE FURTHER that that pursuant to the Local Rules of the United States Bankruptcy Court for the Eastern District of North Carolina, you have twenty-one (21) days from the date of this Notice of Motion to file a responsive pleading to the attached Motion. You must file your response with the Clerk, United States Bankruptcy Court, Post Office Box 791, Raleigh, NC 27602 with a copy to the undersigned.

TAKE NOTICE FURTHER that a hearing on the matter has been set for April 12, 2023 at 11:00 a.m. at the United States Bankruptcy Court, 2<sup>nd</sup> Floor Courtroom, at 150 Reade Circle, Greenville NC.

Dated: March 13, 2023

/s/ Travis Sasser  
Travis Sasser  
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**CERTIFICATE OF SERVICE**

The foregoing Motion to Dismiss to be served on the following parties, by mailing a copy by depositing it in the United States Mail, by First Class Mail, in a properly addressed envelope with adequate postage thereon.

Bankruptcy Administrator  
***Served Electronically***

*ALL CREDITORS ON THE ATTACHED MAILING MATRIX*

Dated: March 13, 2023

/s/Travis Sasser  
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Label Matrix for local noticing  
0417-5  
Case 23-00396-5-JNC  
Eastern District of North Carolina  
Raleigh  
Mon Mar 13 14:08:15 EDT 2023

VoXcell Cloud, LLC  
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Stamford, CT 06901-3236

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Fort Myers, FL 33908-3670

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